

REMARKS

Reconsideration is respectfully requested. Claims 1, 4, 6, 9, 18, 19 and 21-24 are pending. Claims 2-3, 5, 7-8, 10-17 and 20 are canceled. Claims 1 and 6 are amended. Cancellation and amendment of the claims does not affect inventorship. Applicants thank the Examiner for the allowance of claims 19 and 24.

Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

Claim Amendments

Claims 1 and 6 are amended for technical clarity. Support for the amendment can be found at paragraphs [0183] and [0185] of the Specification.

Compliance with Sequence Rules

The Examiner states that the polypeptide “DDXXD” is recited on page 31, lines 7 and 8 without a SEQ ID NO. and appropriate correction is required. Applicants respond as follows:

The polypeptide “DDXXD” recited on page 31 represents a sequence motif “Asp-Asp-Xaa-Xaa-Asp”. According to 37 C.F.R. § 1.821(a), sequence with fewer than four “specifically defined” amino acids are specifically excluded from the requirement of § 1.821. “Specifically defined” means those amino acids other than “Xaa”. Since the referenced polypeptide “DDXXD” comprises only three “specifically defined” amino acids, it is excluded from the requirements of 37 C.F.R. § 1.821(a). Hence, it is not required to be assigned a SEQ ID NO. Therefore, Applicants respectfully request withdrawal of the instant objection.

Claim Rejection Under 35 U.S.C. § 112

Written Description

Claims 1, 4, 6, 9, 18 and 21-23 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Applicants respectfully respond as follows:

Without acquiescing to the propriety of the rejection, claims 1 and 6 have been amended to recite that the protein in the formed protein crystal is in complex with isopentyl pyrophosphate and Risedronate. The invention as set forth in the amended claims is adequately described in the Specification to fulfill the written description requirement under 35 U.S.C. § 112, first paragraph. Applicants therefore request withdrawal of the instant rejection.

Enablement

Claims 1, 4, 6, 9, 18 and 21-23 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. Applicants respectfully respond as follows:

Without acquiescing to the propriety of the rejection, claims 1 and 6 have been amended to recite that the protein in the formed protein crystal is in complex with isopentyl pyrophosphate and Risedronate. The invention as set forth in the amended claims is fully enabled in the Specification to fulfill the enablement requirement under 35 U.S.C. § 112, first paragraph. Applicants therefore request withdrawal of the instant rejection.

New Matter

Claims 1, 4, 6, 9, 18 and 21-23 stand rejected under 35 U.S.C. § 112, first paragraph as containing new matter. Applicants have amended the claims to recite limitations that are fully supported by the Specification as filed (see paragraphs [0183] and [0185]). Applicants therefore request withdrawal of the instant rejection.

CONCLUSION

In view of the foregoing amendments and arguments, it is believed that all claims now pending in this application are in condition for allowance. Should the Examiner not agree, the Applicant respectfully asks the Examiner to contact the undersigned at the phone number below to discuss any remaining issues and accelerate the examination and allowance of this application. Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (Client Matter No. 067450-5011US).

Respectfully submitted,

Date: 11/2/09 By: _____
Customer No. 67374
MORGAN, LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, California 94105
Tele: 415-442-1000
Fax: 415-442-1001
Email: rsilva@morganlewis.com

Lekha
Lekha Gopalakrishnan, Reg. No. 46,733
Tel. No.: (214) 466-4116

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On behalf of:
Robin M. Silva, Reg. No. 38,304